

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs)	Case No. CR-04-145-M
)	
KENNETH R. BLACKWELL,)	
)	
Defendant.)	

ORDER

Pending before the Court is Defendant Kenneth R. Blackwell's counsel's "Motion to Withdraw as Counsel of Record [and] Motion for Extension of Time to File a Notice of Appeal" ("Motion to Withdraw"). For the following reasons, the Motion will be denied.

On March 30, 2005, a jury convicted Mr. Blackwell on four counts of possession of child pornography. On May 4, 2005, this Court sentenced Mr. Blackwell to 120 months' incarceration.* Daniel L. White, appointed counsel for Mr. Blackwell, now moves the Court to enter an order authorizing his withdrawal from this case so that he does not have to represent Mr. Blackwell on appeal. As the basis for his request, Mr. White states that "the attorney client relationship has been irretrievably broken." Mot. to Withdraw at 2.

Tenth Circuit Rule 46.3(A) provides that in criminal cases, "[t]rial counsel must continue to represent the defendant until either the time for appeal has elapsed and no appeal has been taken or *this court* has relieved counsel of that duty." 10th Cir. R. 46.3(A) (emphasis added). The Court

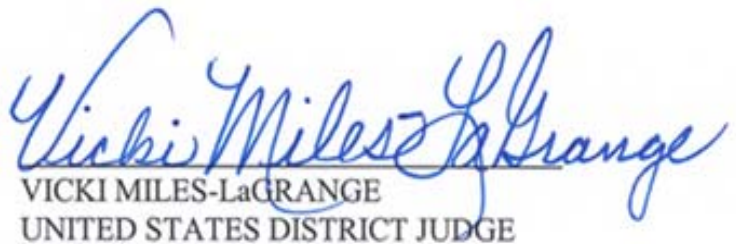
* For appeal purposes, this Court's Judgment was entered on this date. Fed. R. App. P. 4(b)(6) ("A judgment or order is entered for purposes of this Rule 4(b) when it is entered on the criminal docket.").

finds that under this rule, Mr. White's request to withdraw must be addressed to the Tenth Circuit. The request to withdraw now pending before this Court is therefore denied.

Mr. White also moves, pursuant to Fed. R. App. P. 4(b)(4), for a thirty-day extension of Mr. Blackwell's deadline for filing a notice of appeal in order to provide new counsel "time to become familiar enough with the case to proceed with post sentencing motions, if any, and the notice of intent to appeal." Mot. to Withdraw at 2. In light of the Court's denial of Mr. White's request to withdraw from this case, the Court finds that Mr. White's request for an extension of time is without merit, and it will therefore be denied.

For the reasons set forth above, Mr. White's Motion to Withdraw [docket no. 99] is hereby DENIED in its entirety.

IT IS SO ORDERED this 10th day of May, 2005.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE